

IV. REMARKS and RESPONSE to Office Action Dated April 7, 2006

Summary of the Proposed Amended Claims

GENERAL: The Claims have been amended per the directive of the Office Action dated April 7, 2006, the subsequent interview on May 10, 2006, and in order to better clarify the scope of the invention. In particular, with regard to the Office Action regarding inconsistencies between preamble and body of the claims, (rejection under 35 USC 112), Claims 1 and 17 have been amended to clearly indicate the intention to claim the device as a subcombination in lieu of the device in combination with the extant structure and load, and to clearly distinguish the device over any prior art.

Claim 1 is amended to clearly point out that the invention comprises the "portable device" per se, not the device in combination with an "extant structure" and applied "load"; the extant structure and load being only functionally recited. Furthermore, the amended Claim 1 includes a more thorough recitation of the device and the functions of its components as taught throughout the specification so as to clearly distinguish the invention claimed from prior art. In particular, the relationship of components and their functions is clarified, as well as the aspect of the elements pivoting into a compact entity when not in use so as to enhance the invention's portability. Furthermore the unique aspect of the device by which the elements pivot to accommodate diverse extant structures of variable thickness is functionally recited. It will be seen that the amended Claim 1 has been slightly modified from the proposed draft of 5/4/06 in order to clarify language related to antecedents within the claim and also subsequent amended dependent claims.

Therefore, amended Claim 1 now distinctly reads over the device of Burckhalter US 3,074,745 in that: the form of the device and the functions of its parts recite a device for supporting a load cantilevered and extending from an extant horizontal structure of variable thickness, in lieu of a sloped steering wheel; the configuration of the components is clearly distinguished; the folding aspect of the device when not in use is

recited; and the direction of moment forces is clearly recited, along with other clear distinctions of form and function.

Claim 2 has been amended to claim embodiments of the type illustrated in Figs. 1 and 2, wherein the platform portion and bracing portion are integral components of a singular structural entity, as taught in the specification (page 8/line 7, page 11/line 11). With regard to the Office Action rejection of Claim 2 under 35 USC 112, applicants submit that the foregoing amendment to Claim 1, clarify the intent and meaning of the claims with regard to previous indefiniteness.

Claim 3 has been amended to claim embodiments of the type illustrated in Fig. 1 with integral platform and bracing portions, wherein, when the device is mounted on an extant horizontal structure, the platform portion is supported in a generally sloped easel-like disposition as taught in the specification page 8/line 2-3. The amended Claim 3 has been modified from the proposal of 5/4/06 in that the word "obtuse" is substitute in lieu of "oblique" to clearly describe the intended angular relationship, and in that the function of this type of embodiment providing an easel-like platform is more completely recited.

Amended Claims 1-3 also clearly distinguishes the present invention over prior art including Burckhalter US 3,074,745. The form, relationship, and function of the components is now clearly distinguished over the prior art thereby clarifying the applicants office action response dated 3/10/2005, pages 7-10.

Dependent Claims 4-11, previously withdrawn, have been amended subsequent the interview of 5/10/06. Applicants understand that these claims, drawn on presently unselected species, will be considered upon acceptance of a generic claim. In general, these claims have been amended to include the term "means for" in lieu of "mechanism" so as to conform with the language of common patent practice. Such means are illustrated in Figs. 2-4 and described throughout the specification as more specifically referenced below.

Claim 4 has been amended to more clearly claim embodiments of the type illustrated in Fig. 3 and taught in the specification on pages 12-13, in which the platform portion, bracing portion and hanging bracket are connected at a common axis and in which the bracing portion as well as the hanging bracket folds toward the platform portion for compact storage.

Claim 5 has been amended to more clearly claim the type of embodiment illustrated in Fig. 4 as taught on pages 13-14 of the specification, wherein a bracing portion is attached to a platform portion at a first axis, and a hanging bracket is attached to the bracing portion at a second generally parallel axis. Means for stopping and maintaining relative angular disposition are described in paragraphs 2 and 3 on page 13 of the specification.

Claim 6 has been amended to more clearly claim the type of embodiments illustrated in Figs. 2, 3 and 4 having means for relative angular adjustment which include the hinged or threaded adjusting mechanisms 31 (Figs. 2, 2A and 3A) as taught on page 11/paragraph 2, page 12/paragraph 3, or having alternative axes (04') (Figs. 3, 3A, 4, 4A) as taught on page 12/paragraph 3. It should be understood that such adjustment means generally provide a more precise accommodation for variable structure thickness which is supplemental to the more general accommodation as claimed in Claim 1 and afforded by embodiments of the type shown in Fig. 1. It is important to distinguish such adjustment means from clamp-type mechanisms found in prior art in that, with or without the adjustment means effected, the present invention may still be mounted onto or dismounted freely from an extant structure without the inherent constraint of a "clamp".

Amended Claim 7 is intended to recite the hinging means for adjustment in embodiments of the type illustrated in Fig. 2A and described in the paragraph beginning on page 11.

Claim 8 is amended to more distinctly recite the adjustment means seen in the embodiment illustrated in Fig. 3 with alternative bracing portion axes as per the paragraph beginning at the bottom of page 12.

Amended Claim 9 is intended to recite the adjustment means seen in Fig. 4 and described on page 13, paragraph 2, wherein alternative axes are provided for the hanging bracket.

Claim 10 is amended to recite the adjustment means illustrated in Fig. 2 and described on page 11, paragraph 2 which includes a threaded stud with a distal end providing the first bearing segment of the bracing portion.

Amended Claim 11 recites the aspect of a latching mechanism seen in Fig. 4 and described in the paragraph beginning at the bottom of page 13.

Claim 12 has been amended in accordance with the office action to more clearly distinguish the term "lateral restraint" as a perpendicular structure projecting from at least the distal end of the platform portion, as illustrated in Fig.1 (13) and also optionally projecting from the sides of the platform as illustrated in Fig. 3. This aspect is described on page 10, paragraph 2, and the paragraph beginning at the bottom of page 13. Also please refer to applicants' response to office action 1 dated 3/10/2005, page 10, for further distinctions from the prior art.

Claim 13 has been amended in accordance with the Office Action so as to clearly distinguish a *plurality* of "flexible linear elements" provided by the present invention from the prior art in combination with the other aspects of the invention recited in Claim 1. This unique aspect, as illustrated in Fig. 1 and described in paragraph 1 of page 10, provides a means for simultaneously referencing multiple pages of a document. Such a provision should be distinguished from the common function of merely marking a single page, and can be understood to be particularly valuable for maintaining cross references as might be commonly used with a cookbook or instruction manual, (or in referencing patent document citations), etc. Although Bellah US 6,045,159 appears to teach a singular linear element, for marking a single page, there is no suggestion that would lead one of ordinary skill in the art to combine a plurality of such elements with the present invention. In that the examiner has agreed that Claim 1 as amended reads over Burckhalter per the recent interview, there is no combination of prior art that would

indicate that the present Claim is obvious. Also please refer to applicants' response to office action 1 dated 3/10/2005, pages 12-15.

Claim 14 is amended to recite optional means for attaching a load to the platform portion as described beginning at the bottom of page 13 continuing through paragraph 2 of page 14, which can be applied to any type of embodiment illustrated in Figs. 1-4.

Claim 15 has been amended to clearly point out the functional aspect of integrating the present invention with a load as per paragraph 2 of page 14, as applicable to any embodiment of Fig. 1-4.

Claim 16 is amended in accordance with the Office Action of 4/7/06 and as proposed for the recent interview to more clearly distinguish the invention over prior art. This claim has been further modified from the interview draft by reciting the aspects of furnishing an extant structure of variable thicknesses (a), furnishing the components in an initially compact relationship(b), and of pivoting the bracing portion into engagement with the bottom surface (e). These aspects are taught in the paragraph beginning on page 8 and throughout the specification, and is illustrated as a method in Fig. 1A though applicable to any embodiment type of Figs. 1-4. The amended claim is further distinguished from the original by including the step of applying a load and by more fully reciting the aspects of the method.

Amended Claim 16 is particularly distinguished over the method taught by Lane et al US 1,878,864 in that: 1) the pivot axis is interjacent the platform and bracing portions; 2) the bearing segment at the distal end of the hanging bracket is placed only on the top surface of the structure, in lieu of engaging an opposite edge; and the bracing portion engages with the bottom surface at a location remote from the edge; 3) the device accommodates variable thicknesses of diverse extant structures; 4) the device folds into a relatively compact relationship; and 5) by the arguments put forth in applicants' response of March 10, 2005, which may now be more clearly distinguished relative to the present amendment.

Amended independent Claim 17 is intended to recite the aspects of the invention for supporting a load extending from a shelf, so as to clearly distinguish the invention from prior art. It has been modified from the interview proposal of 5/4/06 slightly for grammatical clarity.

Claim 17 is amended to recite the relationship and functions of the components of the present invention so as to distinctly read over prior art. As distinct from Burckhalter US 3,074,745, the present invention includes a structure with platform portion and bracing portion extending in generally opposite directions from an interjacent axis, so that the bracing segment may be engaged with the bottom surface of an extant shelf in order to support a cantilevered load, and with a hanging bracket which pivots into a compact position when not in use. In contrast, Burckhalters device does not include a bracing portion for supporting a cantilevered load in such a position from a shelf, and does not fold compactly. Other distinctions have been fully explained in applicants first office action response of 3/10/2005 pages 7-12 which are now clarified by the present amendment.

Claim 18 has been amended to include the term "means for" in lieu of "mechanism" so as to conform with the language of common patent practice. Such means are illustrated in Figs. 2-4 and described throughout the specification, i.e. paragraph beginning page 11, paragraph 2 page 13.

Claims 19 and 20 have been canceled to be replaced by Claims 21 and 22.

New Claim 21 recites optional means for attaching the hanging bracket as are illustrated in Figs. 1B, 1C, 1D and as described in the specification paragraph beginning at the bottom of page 10.

New Claim 22 recites the type of embodiment illustrated in Fig. 1, functioning in combination with an extant shelf and a load comprised of reading and reference materials.

Specific Response to the Office Action dated 4/7/2006:

Election/Restrictions

Applicants request that Amended Claims 4-11, 14, 15, and 18 be considered upon allowance of a generic or linking claim.

New Claims 21 and 22, replacing 19 and 20, have been amended to read on the previously selected species of Fig. 1 and should therefore no longer be considered as withdrawn.

Claim Rejections - 35 USC 112

Claims 1 and 2 have been amended in accordance with the Office Action in order to overcome the issue of indefiniteness. The amended claims are intended to clearly recite only the subcombination of the device with the load and extant structure being only functionally recited, as directed by the Office Action.

Claim Rejections – 35 USC 102

The Examiner's rejections regarding Claims 1-3, 12, and 17 with regard to anticipation by Burckhalter have been overcome by the amendments above which clearly distinguish the present invention over the prior art. The Examiner's rejections with regard to Claim 16 as being anticipated by Lane have also been overcome by the present amendment. Please refer to the claim specific remarks above and to the applicant's response to the First Office Action dated 3/10/2005 for support and references regarding applicant's position.

Claim Rejections – 35 USC 103

Amended Claim 13 overcomes the obviousness rejection of the Office Action in that the amendment recites a plurality of flexible linear elements for the purpose of referencing

the pages of a document. As noted under the discussion of Amended Claim 13 above, the amendment clarifies the intent to claim multiple such reference devices combined with the scope and limitations of the present invention. Therefore the claimed invention is non-obvious from the prior art.

Response to Arguments of prior Office Action

Applicants' request that Examiner review applicants' response to the prior Office Action dated 3/10/2005 in light of the present amendments, to any extent deemed necessary,

Conclusion

Applicants have amended the Claims of this application so that they are proper, definite, and define novel aspects which are also unobvious. If for any reason the application is believed not to be in full condition for allowance, applicants respectfully request the constructive assistance and suggestions of the examiner in accordance with MPEP 2137.2 and 707.07(j) in order to place the application in allowable condition as soon as possible without requiring further proceedings.

As per the above amendments and response, applicant's submit that the application is now complete and that the amended claims all define patentable distinct matters over the prior art. Therefore they submit that this application is now in condition for allowance which they respectfully request.

Applicants can be reached by telephone at 802 482 3040, by Fax at 802 482 3040 or by email at lduffy@wcvt.com.

Respectfully submitted,

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1. (DRAFT Currently Amended) A portable device for supporting a load in a cantilevered disposition ~~relative to~~ extending from a generally horizontal extant structure, said extant horizontal structure having an edge, a top surface, and a bottom surface,

said device comprising:

a platform portion extending in a first direction, said platform portion for holding said load in a cantilevered disposition;

a bracing portion extending in a second direction generally opposite said first direction, said bracing portion having a first bearing segment at its distal end for transferring an upward vertical component of the moment reaction caused by said cantilevered load supported in said cantilevered disposition to a segment of said bottom surface at a location remote removed from said edge ~~in a direction generally opposite from said platform portion;~~ and

at least one hanging bracket pivotably attached at an axis interjacent said platform portion and said bracing portion,

said hanging bracket having a second bearing segment at its distal end for transferring a downward vertical component of said moment couple to said connecting said device to said top surface of said extant structure at a location adjacent to said edge,

said hanging bracket also pivoting into a generally compact disposition relative to said platform and bracing portions when said device is not in use;

wherein mounting said second bearing segment of said hanging bracket on said top surface adjacent to said edge and applying said load to said platform portion causes said first bearing segment of said bracing portion to engage with said bottom surface at said location remote from said edge, thereby supporting said load in said cantilevered disposition relative to said extant structure ~~said hanging bracket is pivotably attached to said platform portion and to said bracing portion at a generally horizontal first axis.~~



2. (DRAFT Currently Amended) A device in accordance with Claim 1, wherein said platform portion and said bracing portion are integral portions of a singular structure ~~extends in a generally horizontal disposition relative to said extant structure.~~
3. (DRAFT Currently Amended) A device in accordance with Claim 1, wherein said platform portion and said bracing portion are integral portions of a singular structure, and said hanging bracket is configured so as to pivot to a generally oblique angular position relative to said platform portion;

so that, when said device is mounted on said extant structure, said platform portion ~~extends in a generally sloped disposition relative to said extant structure.~~

Claims 4-11(withdrawn)

12. (DRAFT Currently Amended) A device in accordance with Claim 1 wherein said platform portion includes at least one lateral restraining member comprising a structure extending in a generally perpendicular direction from at least the distal end of said platform portion.
13. (DRAFT Currently Amended) A device in accordance with Claim 1, wherein said device also includes ~~at least one~~ a plurality of flexible linear elements attached to said device at only one end of said linear elements for the purpose of separating pages of a document loaded on said device ~~wherein said document is at least part of said load.~~
14. -15 (withdrawn) *pending linking claim*

16. (**DRAFT Currently Amended**) A method of supporting a load in a cantilevered disposition from an extant horizontal structure comprising:

- a. providing said extant horizontal structure having an edge, a top surface, and a bottom surface a device which includes at least a platform portion, a bracing portion, and a pivotably attached hanging bracket connected at a first axis;
- b. providing an interconnected platform portion, bracing portion, and hanging bracket, said hanging bracket pivotably attached at a first axis interjacent said platform portion and said bracing portion and having a bearing segment at its distal end an extant horizontal structure having an edge, a top surface, and a bottom surface;
- c. pivoting extending a said distal end of said hanging bracket away from said platform portion and said bracing portion;
- d. hanging said bearing segment of said distal end of said hanging bracket from said top surface at a first location adjacent to said edge of said extant structure; and
- e. engaging said bracing portion with said bottom surface of said extant horizontal structure at a second location an area remote from said edge; and
- f. applying said load to said platform portion so as to cause a moment couple resultant from said load in said cantilevered disposition ~~applied to said platform portion~~ to react against said extant structure in a downward direction at said first location ~~top surface adjacent to said edge~~ and in an upward direction at said second location;

thereby supporting said load in said cantilevered disposition from said extant horizontal structure ~~bottom surface at said area remote from said edge.~~

17. (**DRAFT Currently Amended**) A device for supporting a load in an cantilevered position ~~relative to~~ extending from an extant horizontal shelf which comprises includes:

a structure for ~~supporting~~ receiving said load in said a-cantilevered disposition ~~relative to said shelf which~~, wherein said structure includes ~~comprises~~ at least a platform portion extending in a first direction, at a first end and a bracing portion extending in a second direction generally opposite said first direction, at a second end, said portions being divided by a generally horizontal axis; and an axis interjacet said platform and bracing portions; and at least one hanging bracket pivotably attached to said structure at said axis and having a ~~generally horizontal~~ bearing segment at its distal end; ~~so that~~whereby, when said bearing segment is placed on a top surface of said shelf adjacent to an ~~said~~ edge of said shelf and said bracing portion is engaged with a bottom surface of said shelf at a location remote from said edge, said load applied to said platform portion is supported in said cantilevered position and further whereby, when said hanging bracket is pivoted toward said structure said device provides a relatively compact entity.

18. – 20 (withdrawn) *pending linking claim*

General questions to discuss:

Regarding issue of claim clarification re 35 USC 112: Could a primary claim claim the device (subcombination) and a separate primary or dependent claim claim the device with structure(combination)? (*Not reflected in proposal amendments above.*)

Office Action of 4/07/06 page 4, paragraph 2, line 5 refers to "(rear section of element 12)". Is that meant as the reverse surface, or the end extending away from the view?

Claims 19 and 20 have improper references which must be changed at proper time prior to consideration.. Other withdrawn claims also have inconsistencies. Should proposed amendments to withdrawn claims be submitted now?? (*I realize that Amendments after Final are not automatically allowed.*)